

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Title : Motor Operated Fast Food Service Window with Upwardly Focused Proximity Detectors

----- CONTINUED PROSECUTION APPLICATION FILING -----

Inventors : Jason T. Epps, Dan L. Terry and Jackson G. Weaver

Serial No. : 09/004,803 § Examiner : Strimbu, G.

Filed : Jan 9, 1998 § Phone : 703-305-3979

Docket : MCES-0002-US § Art Unit : 3634

Assistant Commissioner for Patents
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Washington, D.C. 20231

CERTIFICATE OF MAILING (37 C.F.R. 1.10)

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to the Assistant Commissioner for Patents, Box CPA, Washington, DC 20231, Express Mail label number **EL360180360US** on **August 3, 1999**.


Corey M. McGowan

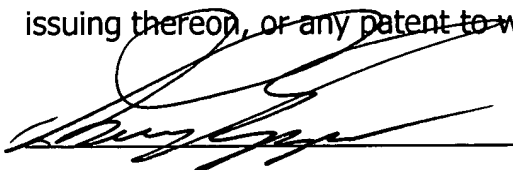
**37 C.F.R. 1.132 DECLARATION OF RAY J. EPPS
ESTABLISHMENT OF COMMERCIAL SUCCESS**

I, Ray J. Epps, declare that:

1. I am a citizen of Harris county, in the state of Texas in the United States of America, and I reside at 10315 Rothbury, Houston, Texas 77063.
2. I have read and understand the above-identified patent application, including the claims.
3. Since approximately 1986 I have been, and am currently, employed by M.C.E. Systems Corporation (hereinafter Applicant).
4. My current position is National Sales Manager.
5. My duties as National Sales Manager include advertising and marketing fast food service windows, including those that incorporate upwardly focused proximity detectors in accordance with the claimed invention.
6. Applicant's June 1998 to June 1999 sales of fast food service windows was in excess of four million dollars.

7. Before manufacturing and marketing a fast food service window incorporating upwardly focused proximity detectors in accordance with the claimed invention, Applicant manufactured and marketed an fast food service window using side facing sensors.
8. Since the introduction of Applicant's fast food service window incorporating upwardly focused proximity detectors in accordance with the claimed invention, customer demand for Applicant's fast food service windows of the type identified in paragraph 7 has dropped to substantially zero. See attached Figure 1.
9. Based on approximately 13 years experience in the fast food supply industry (including direct communication with customers), the commercial success of Applicant's fast food service window incorporating upwardly focused proximity detectors in accordance with the claimed invention and the decrease in sales of Applicant's prior fast food service windows (see paragraph 7) is directly attributable to the unexpectedly good performance (in terms of low false open and false close operations) provided by the claimed invention.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.



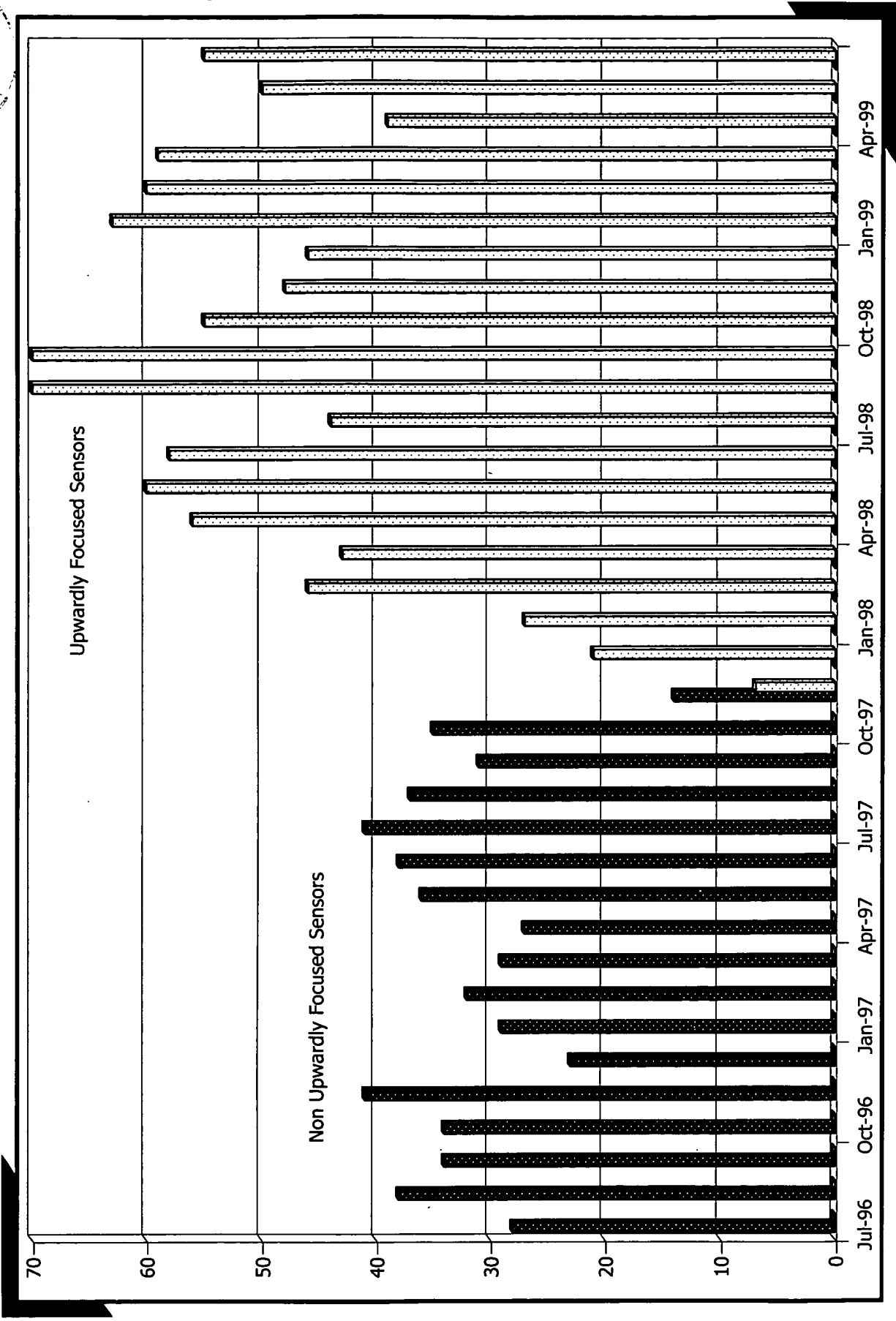
Ray J. Epps

National Sales Manager

8-3-99
Date



FAST FOOD SERVICE WINDOW SALES DATA FOR M.C.E. SYSTEMS



Quantity (Units / M nth)

Date